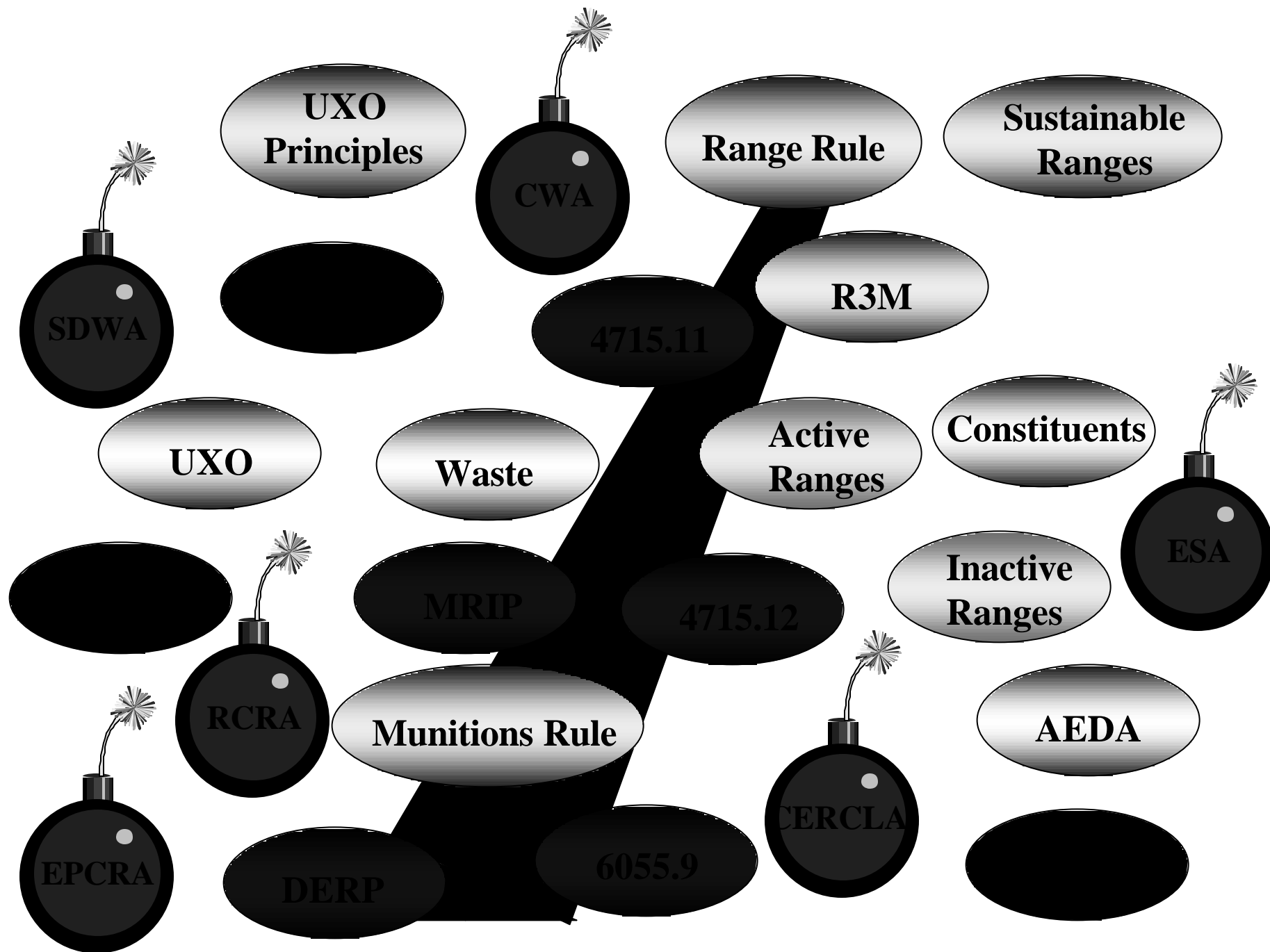


# **Explosives Safety, Environmental Management, and Military Ranges**

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2 March 2000**



# Background

- **In the last 6 years, the management of military munitions and military ranges has come under increased regulatory agency and public scrutiny.**
  - New regulations.
  - Increased enforcement.
  - Litigation.
  - Range use restrictions and closures for environmental reasons.
- **Critical to understanding the importance of this issue for DOD is recognition that munitions are DOD's core commodity and ranges are central to their business operations.**

# **The Munitions Rule**

- **Developed by EPA in conjunction with DOD and the States.**
- **Defines when unused and used/fired munitions become solid waste subject to RCRA.**
- **Established new regulatory concept: “conditional exemption.”**
- **Effective at Federal level on 12 August 1997.**
  - Formal adoption by States required to take advantage of some aspects of the rule (e.g., conditional exemptions).
  - DOD Munitions Rule Implementation Plan (MRIP) provides additional guidance.

# Why a Range Rule?

- **Proposed Munitions Rule:**
  - Said that munitions on closed or transferred firing ranges are solid wastes subject to RCRA but provided that if DOD developed regulations addressing response actions at closed and transferred ranges, then the DOD regulations would supersede RCRA.
- **EPA is postponing a final decision pending the outcome of DOD's Range Rule effort but stands “. . .ready to address . . . under Federal environmental laws .”**

# The DOD Range Rule

- **The Range Rule is about \_\_\_\_\_:**
  - Closed, transferring, transferred ranges.
  - UXO.
  - Other constituents.
  - UXO and other constituents.
  - Integration of various legal authorities.
  - Active and inactive ranges.
  - All of the above.

# Why Range Rule?

- **A cohesive process to address human health, environmental, and explosives safety issues on Closed, Transferring, and Transferred Ranges.**
  - EPA proposal: Achieve via RCRA remedial authorities.
- **Avoid collateral impacts to active and inactive ranges.**
- **Integrate and respect authorities vested in various agencies.**

# Overview of Process

- **Looks like CERCLA, but with some improvements.**
  - **Range Identification.**
  - **Range Assessment (aka PA/SI).**
  - **Accelerated Responses (aka Removal Actions).**
  - **Range Evaluation (aka RI).**
  - **Site-Specific Response Evaluation (aka FS, ROD, and RD/RA).**
  - **Recurring Reviews (aka 5-year reviews).**
  - **Administrative Close-out (aka NPL delisting, LTM, O&M, and Site Close-out).**



# UXO Principles

- **EPA letter to DUSD(ES) (April 99).**
  - Focus: concerns with ongoing response actions.
- **Meeting of Principals.**
  - July, August, October, December, February, March
- **“UXO Principles” working group.**
  - 13 issues identified.
  - Directive to working group: outline fundamental principles for UXO responses.

# UXO Principles

- **“UXO Principles” working group.**
  - Meetings, meetings, and more meetings.
- **EPA identifies 5 “core issues.”**
  - Use of removal authorities.
  - Site characterization.
  - Public involvement.
  - Institutional controls.
  - Enforceable site-specific agreements.
- **Stay tuned ...**

# Sore Points

- **Use of statistical analyses in UXO responses.**
  - Issues with fundamental assumptions.
  - Technology limitations mean UXO can be missed.
  - EPA/States want 100% coverage with detectors.
- **Funding.**
  - Actual costs at installations: \$16,000+ per acre.
  - Cost increases of 10x over initial estimates.
- **Transfers of land.**
  - Fed-to-Fed.
  - Fed-to-private.

# Technology

- **Technology limitations.**
  - Detection.
  - Discrimination.
  - Recovery.
  - Destruction.
  - Systems capabilities (rate of coverage, requirements for clearance of brush, surface UXO).
  - Availability.
- **Investment in R&D ongoing and yielding results, but wide-spread transition to fielded systems is slow.**

# **DODD 4715.11 and .12**

## ***Environmental and Explosives Safety Management on Department of Defense Active and Inactive Ranges***

- **4715.11 applies in U.S.**
- **4715.12 applies outside U.S.**
- **Very detailed requirements:**
  - Detailed range management plans at the installation level.
  - Permanent records of munitions expended, to include an estimated dud rate, by type, quantity, location, and using organization.
  - Before changing the use of a range area, conduct appropriate range clearance operations consistent with the proposed use.
  - Available on DENIX.

**Effective date: 17 August 1999!**

# **Comprehensive Range Inventory**

- **Inventory of all closed, transferring, and transferred ranges required w/in 18 months of publication of Range Rule (target date August 00).**
- **Inventory of all active/inactive ranges required by DODD 4715.11 and 12.**
- **SR 106-50 requires SECDEF disclose all liabilities associated with UXO on ALL ranges by 1 March 01.**
- **Inventory critical to scoping the issue, assessing readiness impacts, estimating liabilities, setting priorities and making strategic investments.**

# Reality Check

- **Vieques: active range - environmental and UXO issues.**
- **Massachusetts Military Reservation: active range; training halted; environmental and UXO issues.**
- **Fort Ord - transferring installation; transfers delayed; environmental and UXO issues.**
- **Lowry Bombing Range: transferred range; environmental and UXO issues.**
- **State of Washington proposed Dangerous Waste Regulations for UXO on CTT ranges.**
- **Land withdrawal renewals for ranges.**

# Summary

- **A new paradigm for range management is here today and here to stay.**
- **Ranges must be managed as a sustainable resource.**
  - Addressing environmental issues at active/inactive ranges is integral to sustaining ranges.
  - Being able to put ranges to other uses when no longer needed by military is part of sustainable range management.
- **Compliance with environmental laws now a requirement of range operations**
- **Scrutiny is increasing every day.**



# Points of Contact

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